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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,731	07/28/2003	Manish K. Deliwala	60655.1500	4018
66170 7590 11/17/2010 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202				
EXAMINER				
OBEID, FAHD A				
ART UNIT		PAPER NUMBER		
3627				
NOTIFICATION DATE		DELIVERY MODE		
11/17/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/628,731

Applicant(s)

DELIWALA ET AL.

Examiner

FAHD A. OBEID

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of the Application

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/29/2010 has been entered.

Preliminary Remarks

2. This is in reply to communication filed on 07/29/2010.
3. Claims 1-4, 7-10, and 12-15 have been amended.
4. Claims 6-16 have been added.
5. Claims 1-4 and 6-16 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-4 and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driskell (US 6,072,493) in view of Peterson (US 7,020,628).

9. Regarding Claim 1: Driskell discloses a method for tracking costs incurred by an entity comprising a plurality of groups, the method comprising:

- Reading, by the computer based system, a business model (organization hierarchy) file comprising a business dimension within the entity, the business dimension including (abstract):
- organizational information including a list of groups within the entity and a value driver of the entity (fig.4, col 26 lns 56-67, & col 29 lns 1-24),
- application profiles information including information identifying computer-related hardware processing tasks, wherein a hardware processing job performed by the provider may comprise at least part of a hardware processing task of one or more groups within the entity (figs.4, 5 and col 21 lns 27-30);

- allocating, by the computer based system, the billing information by associating each of the unique hardware processing job identifiers to a group in the plurality of groups based on the hardware processing task information (fig.4, col 11 lns 58-67, col 23 lns 17-28).
- assessing (*analyzing*) a technology operational cost in the groups (figs.4, 5, & col 7 lns 5-7);
- making a value based decision based on the assessment (figs.4, 5, & col 7 lns 5-7);

Driskell does not explicitly disclose receiving billing information associated with consumption of computer-related hardware processing resource from a provider.

However, Peterson does disclose the following:

- receiving, by a computer based system for managing asset consumption, billing information associated with consumption of computer-related hardware processing resource from a provider, wherein the billing information includes a unique hardware processing job identifier corresponding to each hardware processing job executed by the provider for the entity (abstract, col 1 lns 17-18, and col 4 lns 7-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Peterson's teachings in Driskell's "system and method for associating services information with selected elements of an organization" enabled, for the advantage of monitoring the costs of remote users accessing the computer of the company (Peterson; col 1 lns 27-29).

10. Regarding Claim 2: Driskell discloses the method of claim 1 wherein the business dimensions further comprises:

- a business process (figs.4, 5, col 29 lns 1-24).
- an associated business performance metrics (figs.4, 5, col 29 lns 1-24).

11. Regarding Claim 3: Driskell discloses the method of claim 2 wherein the allocating step further comprises:

- determining a total cost associated with computer-related hardware processing resources from the provider incurred by each group (figs.4 & 5).

12. Regarding Claim 4: Driskell discloses the method of claim 3 wherein the reading step further comprises:

- determining an internal structure of the entity, including the plurality of groups within the entity (figs.4 & 5).
- determining a billing detail of the plurality of groups within the entity (figs.4 & 5).
- determining an application profile of the entity (figs.4 & 5).

13. Regarding Claim 16: Driskell discloses the method of claim 4, further comprising displaying the costs incurred by each group graphically, wherein a comparison of costs for each group is possible (*at least fig.4 & col 6 lns 17-20*);

14. Regarding Claim 17: Driskell discloses the method of claim 5, further comprising displaying the costs incurred by each group graphically during different time periods (*at least fig.4& col 6 lns 17-20*).

15. Regarding Claims 6-15: all limitations as recited have been analyzed and rejected with respect to claims 1-4. Claims 6-10 pertains to a system corresponding to the method of claims 1-4. Claims 11-15 pertains to a computer-readable medium having associated instructions corresponding to the method of claims 1-4. Claims 6-15 do not teach or define any new limitations beyond claims 1-4, therefore they are rejected under the same rationale.

Response to Arguments

16. Applicant's arguments with respect to claims 1-4 and 6-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAHD A. OBEID whose telephone number is (571)270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fahd A Obeid/
Examiner, Art Unit 3627
November 9, 2010